

**REMARKS/ARGUMENTS**

In view of the filing of the corrected text, changes remaining to be made are shown hereinabove, as requested by the Examiner.

Changes suggested to the claims to avoid rejections, are made.

Withdrawal of the formal rejections and objection is respectfully requested.

The specific feature of the transparent conductive film of the present claim is controlled so that the refractive index continuously or stepwise decreases from a surface of the transparent conductive film having the transparent conductive layer to the other surface of the transparent conductive film. This arrangement of the refractive index was done to solve the problem which is described in SUMMARY OF THE INVENTION (see page 4 of the present specification).

Especially, by using a transparent conductive film having the arrangement of the refractive index, it can be achieved to provide an organic EL element emitting light with high luminance (or high luminance light).

Claims 1, 4, 7, and 8 are rejected as anticipated by Ito. This means that each feature must be shown by the art or are necessarily inherent.

The Examiner takes the position that Ito discloses or inherently requires the refractive index of:

- (i) a transparent conductive layer to be 2.05;
- (ii) a gas barrier film to be 1.76; and
- (iii) a cellulose ester film to be 1.47-1.50.

As noted above, Claim 1 requires that the refractive index is controlled to continuously or stepwise decrease from the surface of the claimed transparent conductive film having the transparent conductive layer, to the other surface of the claimed transparent condensation film. Ito discloses, in paragraph [0091], a variety of metals for making a gas barrier layer. However, Ito is silent to control the refractive index of the gas barrier layer to be smaller than the refractive index of the transparent conductive layer and larger than the refractive index value of the transparent plastic film. Ito is also silent with respect to adjusting the refractive index to be 1.76.

Ito does not teach to make a transparent conductive film having a decreased index from the transparent conductive layer to the

transparent plastic film. Moreover, Ito has no motivation to achieve the refractive index of 1.76 by mixing  $\text{SiO}_2$  and  $\text{TiO}_2$  having a mixing ratio of 1:1.

From the above-described reason, Ito does not teach or suggest transparent conductive films comprising layers which exhibit the refractive index as required in the present claim.

Therefore, the present invention is not shown or supported by the teaching in Ito.

As to whether the claim requirements are inherent, an apparently representative sample 101 was selected from Table 3 of Ito, reproduced, and its properties measured. As shown by the results reported in the enclosed Declaration by Yasushi OKUBA. This sample does not inherently meet the requirement of Claim 1. Therefore, Ito does not, as a certainty, inherently meet the present Claim 1 requirements. Therefore, Claim 1 is not anticipated.

Claims 4, 7 and 8 incorporate the features of Claim 1 and are not anticipated for the same reasons.

Claims 2, 18 and 19 are rejected under 35 USC 103 (a) as obvious over Ito in view of Yuasa and Veligdan.

The Examiner relies on the teaching of Ito but notes that Ito fails to disclose that the gas barrier layer has a continuous or stepwise decrease in its index of refraction when going from a surface in contact with the transparent conductive layer to a surface in contact with the transparent plastic film, but combines Yuana and Veligdan to provide missing teaching.

Yuasa is combined with Ito for teaching to vary the percentage of silicon dioxide and titanium dioxide within a functionally gradient optical film. However, Yuasa is silent with respect to a transparent conductive film having a gas barrier layer.

Veligdan is cited to teach that it is known to vary the refractive index gradually and continuously throughout an optical waveguide, especially to reduce glare. However, even combining Veligdan does not provide or render obvious the missing teaching combination detailed above. Veligdan is silent with respect to the transparent conductive film having a gas barrier layer in which refractive indexes are decreased from a surface of the transparent conductive film having the transparent conductive layer to the other surface of the transparent conductive film as is required in claim 1. Nor is there a reason provided to attempt or to modify teaching to meet this requirement.

Claims 18 and 19 depend from Claim 2 and are patentable for the same reasons.

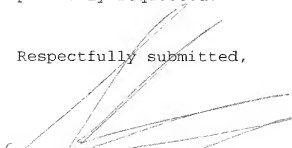
Therefore, combining Ito, Yuasa and Veligdan does not show or suggest the transparent conductive film of the present invention or any reason to meet the claimed requirements.

Claim 3 is rejected over Ito et al as applied to Claim 1, in view of Sakai and Veligdan. Ito and Veligdan are discussed in detail above. Adding Sakai to the combination does not change the conclusion that the invention is not shown or suggested by the art.

In view of the above, the rejections are avoided. Allowance of the application is therefore respectfully requested.

Frishauf, Holtz, Goodman  
& Chick, P.C.  
220 Fifth Ave., 16th Floor  
New York, NY 10001-7708  
Tel. No.: (212) 319-4900  
Fax No.: (212) 319-5101  
MJC:sg

Respectfully submitted,



MARSHALL J. CHICK  
Reg. No. 26,853

**Enc.: Declaration Under 37 CFR 1.132**